

## ANALYSIS AND FINDINGS FOR LAND DIVISION APPROVAL

***Section 40.45.15.3.C lists the criteria in order to approve a Preliminary Subdivision Type II application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:***

- 1. The proposal satisfies the threshold requirements for a Preliminary Subdivision application.***

**Facts and Findings:**

The intent of this criterion is to ensure the proposed project meets the threshold listed in Section 40.45.15.3.A. The proposal meets this requirement by being consistent with threshold #1, which states that an application for Preliminary Subdivision shall be required when the following threshold applies:

“The creation of four (4) or more new lots from a lot of record in one (1) calendar year.” Therefore, the application follows the Preliminary Subdivision application procedure.

The applicant proposes to create fifteen (15) new lots and two tracts, thereby meeting the threshold for a preliminary subdivision application.

Therefore, staff find that the proposal meets the criterion for approval.

- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.***

**Facts and Findings:**

The intent of this criterion is to ensure that all fees have been paid to the City before a full review can proceed. According to city finance records, the applicant paid with a check (#18591) in the amount of \$2,108.00 to the City to have the proposed project review for compliance to the Development Code. The City issued receipt number 20045148 to verify payment.

Therefore, staff find that the proposal meets the criterion for approval.

3. ***Oversized lots shall have a size and shape which will facilitate the future partitioning or subdividing of such lots in accordance with the requirements of this Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots as well as the future development on oversized lots.***

Facts and Findings:

The applicant states the development will not create any oversized lots. The definition of oversized lot in the Development Code reads: "A lot which is greater than twice the required minimum lot size allowed by the subject zoning district." The proposed lot sizes range between 4,214 to 5,496 square feet, well below the square footage required to be considered oversized within the R-7 district. Further, the proposal was shown to meet the density requirements, of the R-7 zoning district. Therefore, staff find that the proposal meets the criterion for approval.

4. ***If phasing is requested by the applicant, the requested phasing plan can be carried out in a manner which satisfies the approval criteria and provides necessary public improvements for each phase as the project develops.***

Facts and Findings:

The applicant states that there is no phasing proposed with this development.

Therefore, staff find that the criterion is not applicable to this development.

5. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

Facts and Findings:

The intent of this criterion is to ensure the proposed project submits all the proper development applications on the proper sequence. The applicant has submitted three additional applications; Conditional Use Permit CU2004-0021, Tree Plan II TP2004-0018 and Flexible Setback FS2004-0017. The Planning Commission will review all four applications at one public hearing. All documentation and applications have been submitted to the City of Beaverton in the proper sequence.

Therefore, staff find that by meeting the conditions of approval, the proposal can meet the criterion.

**SUMMARY OF FINDINGS:** For the reasons identified above, staff find that the request for Preliminary Subdivision approval is supported within the approval criteria findings, noted above, for Chapter 40, Section 45.15.3.C of the Development Code. However, the application, as proposed, does not meet minimum lot size as required by the Site Development requirements of Chapter 20. Because this proposal does not meet the Site Development requirements without the approval of the Conditional Use permit, and staff is recommending **DENIAL** of that application, staff also recommends **DENIAL** of this application as well.

The Committee met on December 8, 2004, and have provided findings, and recommended conditions of approval to meet the necessary technical criteria identified in Section 40.03 of the Development Code. Based on the facts and findings presented, the Director concludes that the proposal, LD2004-0030 Garden Grove Planned Unit Development, does not meet the criteria for approval as required by the Development Code.

### **RECOMMENDATION**

Staff recommends **DENIAL** of **LD2004-0030 (Garden Grove Planned Unit Development)** based on Code Conformance of Development Code Section 20.05.50 and Critreion 3 or Section 40.03.

However, if the Planning Commission finds that the Land Division application does meet the approval criteria staff recommends **APPROVAL** of **LD2004-0030 (Garden Grove Planned Unit Development)**, subject to the applicable conditions identified in Attachment F.